IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

	§	
FIRST UNITED BANK & TRUST	§	
COMPANY,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. 4:15-cy-509-O
	§	CIVII ACUOII NO. 4.13-CV-303-O
RANA SEALS, WILFRED S. SEALS	§	
& ALL OCCUPANTS,	§	
	§	
Defendants.	§	

ORDER

Defendant Wilfred S. Seals ("Seals") removed this case to the United States District Court for the Northern District of Texas on July 13, 2015, based on diversity jurisdiction. *See generally* Notice Removal, ECF No. 1. In the Notice of Removal, Seals alleges there is complete diversity of citizenship. *Id.* Additionally, he alleges he was "at the time of the filing of this action, has been at all times since, and still is individual resident citizen[] of the State of Texas." *Id.* at 2. The Court notes that 28 U.S.C. § 1332(a) requires *all* defendants to be diverse from *all* plaintiffs. *Barragan v. General Motors*, 2015 WL 4085684 (W.D.Tex. 2015). Additionally, under 28 U.S.C. § 1441(b)(2), a case originally filed in state court may not be removed to federal court if a defendant is a resident of the forum state.

The Court finds that expedited briefing is necessary to determine whether subject-matter jurisdiction exists in this action based on the citizenship of Rana Seals and the other occupants. *See* N.D. Tex. L.R. 7.1. It is unclear from the Notice of Removal whether Rana Seals or any of the other

occupants are diverse from Plaintiff. Additionally, Seals claims he is a citizen of Texas. Notice Removal, ECF No. 1. Ordinarily, an in-state defendant may not remove a case to federal court on the basis of diversity jurisdiction. 28 U.S.C. § 1441(b)(2). Removal by an in-state defendant on the basis of diversity of citizenship is a procedural, not jurisdictional defect, which may be waived if not asserted within thirty days from the date of removal. *See H&H Terminals, LC v. R. Ramos Family Trust*, 634 F. Supp. 2d 770, 773-74 (W.D. Tex. 2009).

Accordingly, it is **ORDERED** that the parties file their respective briefs on the issue of subject-matter jurisdiction or remand no later than **July 20, 2015**.

SO ORDERED on this 13th day of July, 2015.

Reed O'Connor

UNITED STATES DISTRICT JUDGE